



UNITED STATES PATENT and TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR
INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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WAK
Paper no. 1a

In re: Kuhn et al.

Serial no. 09/281, 089

For: TEXTILE SURFACE COATINGS OF
IRON OXIDE AND ALUMINUM OXIDE

: DECISION
: ON
: PETITION

This is a decision on the PETITION UNDER 37 C.F.R. 1.181, filed October 31, 2001 which is before the Director of Technology Center 1700 for decision. The petitioner requests reopening of prosecution because the specific requirements set forth within 37 C.F.R. 1.193(a)(2) as well as M.P.E.P. 1208.01 have not been met. Petitioner states that upon filing their Brief on Appeal, petitioner received an Examiner's Answer containing a new ground of rejection.

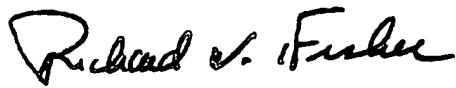
DECISION

A review of the application record shows that a final rejection under 35 USC 103(a) was made based on Ishino et al. 4,911,957 in view of Watanabe et al. 4,435,220. The Examiner's Answer of 10/02/01 makes a rejection under 35 U.S.C. 103(a) based on Oishi et al. 4,911,957 in view of Watanabe et al. 4,435,220. A review of the references cited in the application shows that Ishino et al. has a patent number of 4,515,850 and that Oishi et al. has a patent number of 4,911,957.

After a careful review of the application record and the petitioner's argument, it is concluded that the petitioner's request to reopen prosecution is proper.

The Petition is **Granted**.

The application is returned to the Examiner for the reissuing of an office action in accordance with this decision.



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